

Finally, the practices set forth in subsection (b) are not intended to be affected by this Act. While this is true, it should be remembered that although the pure entrepreneurial decisions in this area are unaffected by the Act, if those decisions are made in such a way as to implicate employment of major league players at the major league level, once again, those actions may be actionable under subsection (a). More importantly, we are making no findings as to how, under labor laws, those issues are to be treated.

In closing, Mr. President, I would like to thank all those involved in this undertaking: Chairman HATCH, of course, without whose unfailing efforts this result would not be possible; our fellow cosponsors, Senators THURMOND and MOYNIHAN, and other members of our Committee; and JOHN CONYERS, the Ranking Democrat on the House Judiciary Committee, for making this bill a priority. And I want to commend the interested parties for working to find a solution they can all support. Not only have they done a service to the fans, but they may find, on reflection, that they have done a service to themselves by working together for the good of the game.

Finally, Mr. President, I would be remiss if I did not comment on the man for whom this legislation is named, Curt Flood. He was a superb athlete and a courageous man who sacrificed his career for perhaps a more lasting baseball legacy. When others refused, he stood up and said no to a system that he thought un-American as it bound one man to another for his professional career without choice and without a voice in his future.

I am sad that he did not live long enough to see this day. In deference to his memory and in the interests of every fan of this great game, I hope that Congress will act quickly on this bill. I am delighted that we are moving forward today and that we are finally able to enjoy the game once again.

Mr. JEFFORDS. I ask unanimous consent the amendment be considered as read and agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3479) was agreed to.

The bill (S. 53), as amended, was considered read a third time and passed.

INTERSTATE FOREST FIRE PROTECTION COMPACT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 471, S. 1134.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1134) granting the consent and approval of Congress to an interstate forest fire protection compact.

The Senate proceeded to consider the bill.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be read three times and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1134) was deemed read the third time and passed, as follows:

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent and approval of Congress is given to an interstate forest fire protection compact, as set out in subsection (b).

(b) COMPACT.—The compact reads substantially as follows:

"THE NORTHWEST WILDLAND FIRE PROTECTION AGREEMENT"

"THIS AGREEMENT is entered into by and between the State, Provincial, and Territorial wildland fire protection agencies signatory hereto, hereinafter referred to as "Members".

"FOR AND IN CONSIDERATION OF the following terms and conditions, the Members agree:

"Article I

"1.1 The purpose of this Agreement is to promote effective prevention, suppression and control of forest fires in the Northwest wildland region of the United States and adjacent areas of Canada (by the Members) by providing mutual aid in prevention, suppression and control of wildland fires, and by establishing procedures in operating plans that will facilitate such aid.

"Article II

"2.1 The agreement shall become effective for those Members ratifying it whenever any two or more Members, the States of Oregon, Washington, Alaska, Idaho, Montana, or the Yukon Territory, or the Province of British Columbia, or the Province of Alberta have ratified it.

"2.2 Any State, Province, or Territory not mentioned in this Article which is contiguous to any Member may become a party to this Agreement subject to unanimous approval of the Members.

"Article III

"3.1 The role of the Members is to determine from time to time such methods, practices, circumstances and conditions as may be found for enhancing the prevention, suppression, and control of forest fires in the area comprising the Member's territory; to coordinate the plans and the work of the appropriate agencies of the Members; and to coordinate the rendering of aid by the Members to each other in fighting wildland fires.

"3.2 The Members may develop cooperative operating plans for the programs covered by this Agreement. Operating plans shall include definition of terms, fiscal procedures, personnel contacts, resources available, and standards applicable to the program. Other sections may be added as necessary.

"Article IV

"4.1 A majority of Members shall constitute a quorum for the transaction of its general business. Motions of Members

present shall be carried by a simple majority except as stated in Article II. Each Member will have one vote on motions brought before them.

"Article V

"5.1 Whenever a Member requests aid from any other Member in controlling or preventing wildland fires, the Members agree, to the extent they possibly can, to render all possible aid.

"Article VI

"6.1 Whenever the forces of any Member are aiding another Member under this Agreement, the employees of such Member shall operate under the direction of the officers of the Member to which they are rendering aid and be considered agents of the Member they are rendering aid to and, therefore, have the same privileges and immunities as comparable employees of the Member to which they are rendering aid.

"6.2 No Member or its officers or employees rendering aid within another State, Territory, or Province, pursuant to this Agreement shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith to the extent authorized by the laws of the Member receiving the assistance. The receiving Member, to the extent authorized by the laws of the State, Territory, or Province, agrees to indemnify and save-harmless the assisting Member from any such liability.

"6.3 Any Member rendering outside aid pursuant to this Agreement shall be reimbursed by the Member receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment and for the cost of all materials, transportation, wages, salaries and maintenance of personnel and equipment incurred in connection with such request in accordance with the provisions of the previous section. Nothing contained herein shall prevent any assisting Member from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving Member without charge or cost.

"6.4 For purposes of the Agreement, personnel shall be considered employees of each sending Member for the payment of compensation to injured employees and death benefits to the representatives of deceased employees injured or killed while rendering aid to another Member pursuant to this Agreement.

"6.5 The Members shall formulate procedures for claims and reimbursement under the provisions of this Article.

"Article VII

"7.1 When appropriations for support of this agreement, or for the support of common services in executing this agreement, are needed, costs will be allocated equally among the Members.

"7.2 As necessary, Members shall keep accurate books of account, showing in full, its receipts and disbursements, and the books of account shall be open at any reasonable time to the inspection of representatives of the Members.

"7.3 The Members may accept any and all donations, gifts, and grants of money, equipment, supplies, materials and services from the Federal or any local government, or any agency thereof and from any person, firm or corporation, for any of its purposes and functions under this Agreement, and may receive and use the same subject to the terms, conditions, and regulations governing such donations, gifts, and grants.

"Article VIII

"8.1 Nothing in this Agreement shall be construed to limit or restrict the powers of

any Member to provide for the prevention, control, and extinguishment of wildland fires or to prohibit the enactment of enforcement of State, Territorial, or Provincial laws, rules or regulations intended to aid in such prevention, control and extinguishment of wildland fires in such State, Territory, or Province.

"8.2 Nothing in this Agreement shall be construed to affect any existing or future Cooperative Agreement between Members and/or their respective Federal agencies.

"Article IX

"9.1 The Members may request the United States Forest Service to act as the coordinating agency of the Northwest Wildland Fire Protection Agreement in cooperation with the appropriate agencies for each Member.

"9.2 The Members will hold an annual meeting to review the terms of this Agreement, any applicable Operating Plans, and make necessary modifications.

"9.3 Amendments to this Agreement can be made by simple majority vote of the Members and will take effect immediately upon passage.

"Article X

"10.1 This Agreement shall continue in force on each Member until such Member takes action to withdraw therefrom. Such action shall not be effective until 60 days after notice thereof has been sent to all other Members.

"Article XI

"11.1 Nothing in this Agreement shall obligate the funds of any Member beyond those approved by appropriate legislative action."

SEC. 2. OTHER STATES.

Without further submission of the compact, the consent of Congress is given to any State to become a party to it in accordance with its terms.

SEC. 3. RIGHTS RESERVED.

The right to alter, amend, or repeal this Act is expressly reserved.

MEASURE READ FOR THE FIRST TIME—S. 2393

Mr. JEFFORDS. Mr. President, I understand that earlier today, Senator MURKOWSKI introduced S. 2393. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2393) to protect the sovereign right of the State of Alaska and prevent the Secretary of Agriculture and the Secretary of the Interior from assuming management of Alaska's fish and game resources.

Mr. JEFFORDS. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

Mr. JEFFORDS. The bill will be read a second time on the next legislative day.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, this is legislation regarding the State of Alaska's sovereign right to manage its fish and game resources.

The legislation will extend a current moratorium on the federal government from assuming control of Alaska's fish-

eries for two years until December 1, 2000.

The language is similar to past moratoriums on this issue and is similar to language Congressman YOUNG added to the Interior Appropriations bill in the House, except that it is not conditioned upon action by the Alaska State Legislature.

To every one of my colleagues their respective state's right to manage fish and game is absolute—every other state manages its own fish and game.

In Alaska, this is not the case, and therefore, action must be taken to maintain the sovereign right of our state.

Mr. President, Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) requires the State of Alaska to provide a rural subsistence hunting and fishing preference on federal "public lands" or run the risk of losing its management authority over fish and game resources.

If the State fails to provide the required preference by state statute, the federal government can step in to manage federal lands.

The Alaska State Legislature passed such a subsistence preference law in 1978 which was upheld by referendum in 1982.

The law was slightly revised in 1986, and remained on the books until it was struck down by the Alaska Supreme Court in 1989 as unconstitutional because of the Alaska Constitution's common use of fish and game clause.

At that time, the Secretary of the Interior and the Secretary of Agriculture took over management of fish and game resources on federal public lands in Alaska.

In 1995 a decision by the Ninth Circuit Court of Appeals in *Katie John v. United States* extended the law far beyond its original scope to apply not just to "federal lands," but to navigable waters owned by the State of Alaska. Hence State and private lands were impacted too.

The theory espoused by the Court was that the "public lands" includes navigable waters in which the United States has reserved water rights.

If implemented, the court's decision would mean all fisheries in Alaska would effectively be managed by the federal government.

Indeed in April of 1996, the Departments of the Interior and Agriculture published an "advance notice of proposed rulemaking" which identified about half of the state as subject to federal authority to regulate fishing activities.

These regulations were so broad they could have affected not only fishing activities, but virtually all activities on state and federal lands that may have an impact on subsistence uses.

There is no precedent in any other state in the union for this kind of overreaching into state management prerogatives.

For that reason Congress acted in 1996 to place a moratorium on the fed-

eral government from assuming control of Alaska fisheries.

That moratorium has twice been extended and is set to expire December 1, 1998.

The State's elected leaders have worked courageously to try and resolve this issue by placing an amendment to the state constitution that would allow them to come into compliance with the federal law and provide a subsistence priority.

Unfortunately, the State of Alaska's constitution is not easily amended and these efforts have fallen short of the necessary votes needed to be placed before the Alaska voters.

In fact, the legislature—the elected representatives of the people—in the most recent special session indicated that they were not supportive of amending the State Constitution and putting the issue to a vote of the people.

Therefore we once again are in a position where we have no other alternative than to extend the moratorium prohibiting a federal takeover of Alaska's fisheries.

The bill I am introducing today will accomplish this. It extends the current moratorium through December 1, 2000.

I believe this will provide the State's elected leaders the needed time to work through this dilemma as they cannot finally resolve the matter of amending the State Constitution until November 2000.

Mr. President, I do not take this moratorium lightly.

I, along with most Alaskans, believe that subsistence uses of fish and game should have a priority over other uses in the state.

We have provided for such uses in the past, I hunted and fished under those regulations and I respected and supported them and continue to do so now. I believe the State can again provide for such uses without significant interruption to the sport or commercial fisherman.

I also believe that Alaska's rural residents should play a greater role in the management and enforcement of fish and game laws in Alaska.

They understand and live with the resources in rural Alaska. They see and experience the fish and game resources day in and day out. And, they are most directly impacted by the decisions made about use of those resources.

They should bear their share of the responsibility for formulating fish and game laws as well enforcing fish and game laws.

It is my hope that the State will soon provide for Alaska's rural residents to have this greater role while at the same time resolving the subsistence dilemma once and for all.

But until that happens, I cannot stand by and watch the federal government move into the State and assume control of the Alaska fish and game resources.

I have lived under territorial status and it does not work. In 1959 Alaskan's